IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTY SEVENTH DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE ELIPE DHARMA RAO

WRIT PETITION NO : 13499 of 2005

Between:

K. Ramalakshmamma, W/o. Narasimha Reddy, (Freedom Fighter),
R/o. Valasapalle Village, Madanpalle Mandal, Chittoor Dist.

..... PETITIONER

AND

1 The Chief Commissioner Of Land Administration, Government Of Andhra Pradesh, Nampally Road,
Hyderabad.
2 The Joint Collector, Chittoor, Chittoor District.
3 The Revenue Divisional Officer, Madanapalle, Chittoor District.
4 The Mandal Revenue Officer, Madanapalle, Chittoor District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction more particularly one in the nature of writ of Mandamus, declaring the action of the 3rd respondent in cancelling the assignment made in favour of the petitioner in his proceedings D.Dis. No. 5840/97, dated 15-5-1998 and consequently the orders of the joint collector, Chittoor passed in D.Dis.No.E3/13435/2000, dated 20-5-2003, pertaining to the Sy.No 682/B1 Ac.1.00, and Sy.No.1124 Ac. 2.00 of Basinikonda village Madanapalle, Chittoor Dist, as illegal, arbitrary and unconstitutional and to pass such other order or orders as this Hon'ble court may deem fit and proper in the circumstances of the case.

Counsel for the Petitioner: MR.D.KODANDARAMI REDDY

Counsel for the Respondent No.: GP FOR REVENUE

The Court at the stage of admission made the following :

ORDER:

Heard both sides.

In this Writ Petition, petitioner is seeking a Writ of Mandamus, declaring the action of the third respondent in cancelling the assignment made in favour of the petitioner in his proceedings D.Dis No. 5840/97, dated 15-5-1998 and consequently the orders of the Joint Collector, Chittoor passed in D.Dis.No. E3/13435/2000, dated 20.5.2003 pertaining to S.No. 682/B1 Ac. 1.00, and S.No. 1124 Ac. 2.00 of Basinikonda Vilage, Madanapalle, Chittoor District as illegal.

Brief facts of the case are that the Revenue Divisional Officer, Madanapally by an order dated 15.5.1998 cancelled the D-Form patta granted in favour of the petitioner on the ground that she alienated a piece of land in the year 1992. So she filed a revision before the Joint Collector, Chittoor, and the Joint Collector, Chittoor confirmed the orders of the Revenue Divisional Officer. Aggrieved by the same, she preferred an appeal before the Chief Commissioner of Land Administration of Hyderabad and in turn the Chief Commissioner of Land Administration of Hyderabad, disposed of the matter remanding the same to the Joint collector, Chittoor for de novo enquiry. The Joint Collector, Chittoor disposed of the matter on 20.5.2003 stating that the freedom fighters are not eligible for alienation of the lands. Aggrieved by the same, the petitioner again preferred an appeal before the Chief Commissioner of Land Administration of Hyderabd and the same is reserved for

judgment on 20.1.2005 and the judgment is not yet pronounced. Hence, the present Writ Petition.

In view of the above facts and circumstances of the case, I deem it appropriate that the petitioner has rightly approached the appellate authority against the orders passed by the Joint Collector, Chittoor. Therefore, the Chief Commissioner of Land Administration of Hyderabad is directed to dispose of the appeal preferred by the petitioner, within a period of eight weeks from the date of receipt of a copy of this order. As the learned counsel appearing for the petitioner submits that the petitioner is in possession of the land, I deem it appropriate to direct the respondents not to assign the land to third party, till the disposal of the appeal by the Chief Commissioner of Land Administration of Hyderabad.

Accordingly, the Writ Petition is disposed of. No order as to costs.

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E. DHARMA RAO, J

DATED: 27/06/2005

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To

1 The Chief Commissioner Of Land Administration, Government Of Andhra Pradesh, Nampally Road,
Hyderabad.
2 The Joint Collector, Chittoor, Chittoor District.
3 The Revenue Divisional Officer, Madanapalle, Chittoor District.
4 The Mandal Revenue Officer, Madanapalle, Chittoor District.

5. Two CCs to G.P. for Revenue, High Court of A.P., Hyderabad (OUT)

6. Two CD copies.